

# EXHIBIT A



Jul. 24. 2014 4:28PM

No. 1945 P. 2

## SUMMONS

Attorney(s) Ronald J. Wronko, LLC  
 Office Address 134 Columbia Turnpike  
 Town, State, Zip Code Florham Park, New Jersey 07932

Telephone Number (973) 360-1001

Attorney(s) for Plaintiff Vincent P. Andreola

Vincent P. Andreola  
 Plaintiff(s)

Vs.

Capital One Financial Corporation, John Does 1-10, and  
ABC Corp. 1-10, said names being fictitious  
 Defendant(s)

From The State of New Jersey To The Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basis for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (A directory of the addresses of each deputy clerk of the Superior Court is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Treasurer, State of New Jersey and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at [http://www.judiciary.state.nj.us/prose/10153\\_deptyclerklawref.pdf](http://www.judiciary.state.nj.us/prose/10153_deptyclerklawref.pdf).

15/ Michelle Smith  
 Clerk of the Superior Court

DATED: 07/24/2014

Name of Defendant to Be Served: Capital One Financial Corporation

Address of Defendant to Be Served: 710 Route 46 East, Suite 306, Fairfield, New Jersey 07004



ESSEX COUNTY - CIVIL DIVISION  
SUPERIOR COURT OF NJ  
465 MARTIN LUTHER KING JR BLVD  
NEWARK NJ 07102

COURT TELEPHONE NO. (973) 693-5529  
COURT HOURS 8:30 AM - 4:30 PM

TRACK ASSIGNMENT NOTICE

DATE: JULY 22, 2014  
RS: ANDREOLA VS CAPITAL ONE FINANCIAL CORPORATION  
DOCKET: ESX L -005096 14

THE ABOVE CASE HAS BEEN ASSIGNED TO: TRACK 2.

DISCOVERY IS 300 DAYS AND RUNS FROM THE FIRST ANSWER OR 90 DAYS  
FROM SERVICE ON THE FIRST DEFENDANT, WHICHEVER COMES FIRST.

THE PRETRIAL JUDGE ASSIGNED IS: HON FRANCINE A. SCHOTT

IF YOU HAVE ANY QUESTIONS, CONTACT TEAM 002  
AT: (973) 693-6443 EXT 6431.

IF YOU BELIEVE THAT THE TRACK IS INAPPROPRIATE YOU MUST FILE A  
CERTIFICATION OF GOOD CAUSE WITHIN 30 DAYS OF THE FILING OF YOUR PLEADING.  
PLAINTIFF MUST SERVE COPIES OF THIS FORM ON ALL OTHER PARTIES IN ACCORDANCE  
WITH E.A.5A-2.

ATTENTION:

RONALD J. WRONKO JR  
RONALD J WRONKO LLC  
134 COLUMBIA TURNPIKE  
FLOREHAM PARK NJ 07832-2106

JUGOREO



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Ronald J. Wronko, Esq.  
Attorney ID 019061997  
RONALD J. WRONKO, LLC  
134 Columbia Turnpike  
Florham Park, New Jersey 07932  
(973) 360-1001  
Attorney for plaintiff  
Vincent P. Andreula

SUPERIOR COURT OF NJ  
CIVIL DIVISION  
ESSEX VICINAGE

2014 JUL 21 P 1:14

FINANCE DIVISION  
RECEIVED/FILED  
40

VINCENT P. ANDREULA,

Plaintiff,

v.

CAPITAL ONE FINANCIAL:  
CORPORATION, JOHN DOES 1-10, and:  
ABC CORP. 1-10, said names being:  
fictitious,

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NUMBER:

ESX-L5096-14

CIVIL ACTION

COMPLAINT AND JURY DEMAND

Plaintiff Vincent P. Andreula ("plaintiff"), by way of this Complaint against the defendant Capital One Financial Corporation ("defendant" or "Capital One") says:

#### I. Nature of Action, Jurisdiction and Venue

1. This is an action seeking legal relief for Negligent Misrepresentation.
2. This court has jurisdiction due to the nature of the action and the amount in controversy. Additionally, plaintiff has satisfied all prerequisites to bringing these claims.
3. Venue is appropriate in this court since plaintiff was employed with defendant in this County.

#### II. Parties

4. Plaintiff was employed as a Business banker by Capital One from February 11, 2013 until on or around May 29, 2014, when he was terminated.



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5. Defendant Capital One and/or ABC Corp. I-10 operates a place of business at 710 Route 46 East, Suite 306, Fairfield, NJ 07004.

6. At all times referred to in this complaint, employees of Capital One and/or ABC Corp., were acting within the scope of their employment at the workplace during working hours. Moreover, the corporate defendant ratified, embraced and added to their conduct.

### III. Factual Allegations

7. Before February 11, 2013, plaintiff worked as a securities broker at Primary Capital, LLC (hereinafter "Primary Capital"), which is an investment bank. Primary Capital held plaintiff's Series 7 and Series 66 securities licenses. While employed at Primary Capital, plaintiff received commissions from his book of business comprised of private placements, reverse mergers and the liquidation of restricted and low priced securities.

8. Plaintiff applied for employment with Capital One. He was interviewed by Lisa Spatafino, who was a Hiring Manager for Capital One.

9. Plaintiff disclosed his employment with Primary Capital as well as his intention to continue to receive residual commissions at a rate of fifty percent (50%) from Primary Capital if he were extended and accepted an offer of employment with Capital One. He also disclosed that Primary Capital would continue to hold his securities licenses.

10. Ms. Spatafino told plaintiff that if Primary Capital were willing to continue to pay him an income stream of fifty percent (50%), "that's fantastic." She



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advised plaintiff that it would not be a problem for him to continue accepting this residual income stream.

11. Ms. Spatafino made these representations in her capacity as Capital One's Hiring Manager. She had binding authority to make such representations on behalf of Capital One.

12. In reliance on Ms. Spatafino's representations, plaintiff accepted the position of Business Banker with Capital One, resigned his position with Primary Capital, and gave up fifty percent (50%) of his commissions on his book of business.

13. Ms. Spatafino should have known that her representations to plaintiff were false.

14. Nearly a year later, when Ms. Spatafino's supervisor, Greg Smith, discovered that plaintiff was collecting residual commissions, he demanded that plaintiff give up the right to receive any commissions whatsoever from Primary Capital on the grounds that the collection of such commissions was a "conflict."

15. When plaintiff refused to give up the residual commissions, Primary Capital terminated plaintiff's employment.

16. Plaintiff would not have resigned his position with Primary Capital with a fifty percent (50%) cut in his commissions and accepted the position with Capital One had he known that he was permitted to continue the collection of residual commissions. Plaintiff has been damaged by defendant's negligent misrepresentations.

#### COUNT I

#### (NEGLIGENT MISREPRESENTATION)

17. Plaintiff repeats each of the foregoing paragraphs as if set forth at length.



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18. Defendant's misrepresentations and omissions were negligent.

19. Defendant knew that the information provided to plaintiff relating to his ability to continue to collect residual commissions would be relied upon by plaintiff to his detriment and that if this information was not true and correct, plaintiff would be damaged.

20. Plaintiff relied to his damage and detriment on the negligent misrepresentations made to him by defendant. As a result, plaintiff suffered damages.

WHEREFORE, as to each and every count, plaintiff demands judgment on each and all of these counts against the defendants jointly and severally, as follows:

- A. Compensatory damages;
- B. Damages for lost wages and benefits, back pay and front pay;
- C. Damages for lost commissions;
- D. Punitive damages and or liquidated damages where permitted by law;
- E. Attorneys' fees and costs of suit;
- F. Lawful interest -- including pre-judgment interest on lost wages;
- G. Lawful interest -- including pre-judgment interest on any wages not paid in a timely manner; and
- H. Such other, further and different relief as the Court deems fitting, just and proper.

Plaintiff hereby reserves the right to amend this Complaint to supplement or modify the factual obligations and claims contained herein, based upon information received from the defendant, witnesses, experts, and others in the course of discovery in this matter.



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**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 4:35-1(a) and (b), plaintiff respectfully demands a trial by jury on all issues in the within action so triable.

**DESIGNATION OF TRIAL COUNSEL**

In accordance with Rule 4:25-4, RONALD J. WRONKO is hereby designated as trial counsel on behalf of plaintiff.

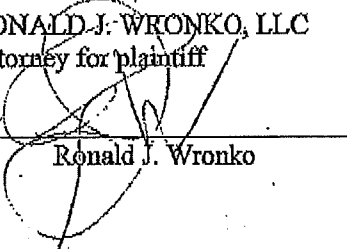
**DEMAND FOR PRODUCTION OF INSURANCE AGREEMENTS**

Pursuant to R. 4:10-2(b), demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in the action or to indemnify or reimburse for payment made to satisfy the judgment.

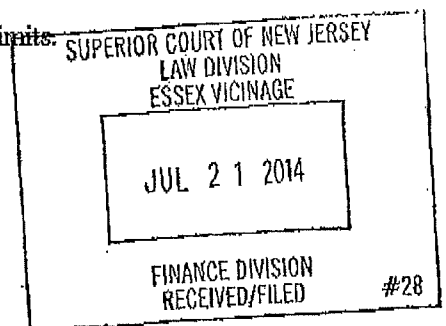
If so, please attach a copy of each, or in the alternative state, under oath and certification: (a) policy number; (b) name and address of insurer; (c) inception and expiration date; (d) names and addresses of all persons insured thereunder; (e) personal injury limits; (f) property damage limits; and (g) medical payment limits.

RONALD J. WRONKO, LLC  
Attorney for plaintiff

By

  
Ronald J. Wronko

Dated: July 16, 2014

**CERTIFICATION PURSUANT TO R. 4:5-1**

Pursuant to Rule 4:5-1, the undersigned certifies that to the best of his knowledge, the within matters in controversy are not the subject of any other action pending in any



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other Court or of a pending arbitration proceeding nor is any action or arbitration proceeding contemplated nor are other parties required to be joined in this action,

By

Ronald J. Wronko



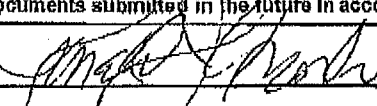
Dated: July 16, 2014



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## Appendix XII-B1

	<b>CIVIL CASE INFORMATION STATEMENT (CIS)</b> Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1 Pleading will be rejected for filing, under Rule 1:6-6(c), If information above the black bar is not completed or attorney's signature is not affixed		FOR USE BY CLERK'S OFFICE ONLY	
			PAYMENT NUMBER (0001) 0001 CA	
			CHECK NO. CIVIL DIVISION ESSEX VICINAGE	
			AMOUNT: JUL 21 P 1:14 OVERPAYMENT: FINANCE DIVISION BATCH NUMBER: RECEIVED/FILED 40	
ATTORNEY/PRO SE NAME Ronald J. Wronko, Esq.		TELEPHONE NUMBER (973) 360-1001		COUNTY OF VENUE Essex
FIRM NAME (if applicable) Ronald J. Wronko, LLC		DOCKET NUMBER (when available) ESX-1 5096-14		
OFFICE ADDRESS 134 Columbia Turnpike Florham Park, New Jersey 07932		DOCUMENT TYPE Complaint and Jury Demand		
		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
NAME OF PARTY (e.g., John Doe, Plaintiff) Vincent P. Andreula, Plaintiff		CAPTION Vincent P. Andreula v. Capital One Financial Corporation, John Does 1-10, and ABC Corp., 1-10, said names being fictitious.		
CASE TYPE NUMBER (See reverse side for listing) 509	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:63 A-27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.		
RELATED CASES PENDING? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS		
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN		
<b>THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.</b>				
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION				
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF YES, IS THAT RELATIONSHIP: <input checked="" type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS		
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION		JUL 21 2014 FINANCE DIVISION RECEIVED/FILED #28		
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION		
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?		
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).				
ATTORNEY SIGNATURE: 				



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Side 2



## CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under Rule 4:5-1

**CASE TYPES** (Choose one and enter number of case type in appropriate space on the reverse side.)

**Track I - 150 days' discovery**

- 181 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 508 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 601 SUMMARY ACTION
- 602 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

**Track II - 300 days' discovery**

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE - PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT - OTHER

**Track III - 450 days' discovery**

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

**Track IV - Active Case Management by Individual Judge / 450 days' discovery**

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

**Multicounty Litigation (Track IV)**

- |  |   |
|--|---|
| 266 HORMONE REPLACEMENT THERAPY (HRT)  | 286 PRUDENTIAL TORT LITIGATION                            |
| 271 ACCUTANE/ISOTRETINOIN              | 289 REGLAN  |
| 274 RISPERDAL/SEROQUEL/ZYPREXA         | 290 POMPTON LAKES ENVIRONMENTAL LITIGATION                |
| 278 ZOMETHA/AREXIA                     | 291 PELVIC MESH/GYNECARE                                  |
| 279 GADOLINIUM                         | 292 PELVIC MESH/BARD                                      |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 293 DEPUY ASR HIP IMPLANT LITIGATION                      |
| 282 FOSAMAX                            | 295 ALLODERM REGENERATIVE TISSUE MATRIX                   |
| 284 NUVARING                           | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS       | 297 MIRENA CONTRACEPTIVE DEVICE                           |
| 286 LEVAQUIN                           | 601 ASBESTOS  |
| 287 YAZ/YASMIN/OCELLA                  | 623 PROPECIA  |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category

☐ Putative Class Action

☐ Title 59